

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
CALVIN DEBRECOURT,

VERIFIED COMPLAINT

Plaintiff(s),

Index No:

-against-

CITY OF NEW YORK, NEW YORK CITY POLICE
OFFICER JAMEL BROWN (Shield # 10416), NEW
YORK CITY POLICE and NEW YORK CITY POLICE
OFFICER ROSETTA ROSENDARYPHILLIPS (Shield
10544),

Defendant(s).

-----X

Plaintiff, by and through his attorneys, BELOVIN & FRANZBLAU,
LLP, as and for a verified complaint, respectfully alleges as
follows:

AS AND FOR A FIRST CAUSE OF ACTION

1. That all the times hereinafter mentioned, plaintiff was
and still is a resident of the City and State of New York, County
of New York.

2. At all the times herein, the defendant, CITY OF NEW YORK,
was, and still is a duly licensed Municipal Corporation authorized
to transact business in the City of New York, County of Bronx.

3. Upon information and belief, the defendant, CITY OF NEW
YORK, employed NEW YORK CITY POLICE OFFICER JAMEL BROWN (Shield #
10416) and NEW YORK CITY POLICE OFFICER ROSETTA ROSENDARYPHILLIPS

(Shield # 10544), who were herein duly employed and acting New York City Police Officers or other ranking officers of the City of New York, County of New York, State of New York and upon information and belief, the defendants, **NEW YORK CITY POLICE OFFICER JAMEL BROWN (Shield # 10416)** and **NEW YORK CITY POLICE OFFICER ROSETTA ROSENDARYPHILLIPS (Shield # 10544)**, were and still are, at all times herein mentioned, residents of the State of New York, City of New York, County of New York.

4. Upon information and belief, that all times herein, the defendants, **NEW YORK CITY POLICE OFFICER JAMEL BROWN (Shield # 10416)** and **NEW YORK CITY POLICE OFFICER ROSETTA ROSENDARYPHILLIPS (Shield # 10544)**, were and still are employees of The City of New York Police Department as Police Officers and/or other ranking Officers, and were at all times herein acting within the furtherance and scope of their employment with **THE CITY OF NEW YORK**. The defendant, **CITY OF NEW YORK**, is liable and responsible for all of those acts committed by the defendants, **NEW YORK CITY POLICE OFFICER JAMEL BROWN (Shield # 10416)** and **NEW YORK CITY POLICE OFFICER ROSETTA ROSENDARYPHILLIPS (Shield # 10544)**, pursuant to the doctrine of respondeat superior. **THE CITY OF NEW YORK** expressly and implicitly condoned all of the actions of **NEW YORK CITY POLICE OFFICER JAMEL BROWN (Shield # 10416)** and **NEW YORK CITY**

POLICE OFFICER ROSETTA ROSENDARYPHILLIPS (Shield # 10544), set forth herein and hereinafter.

5. Upon information and belief, **THE CITY OF NEW YORK** at all times herein, condoned all of the acts of the defendants, **NEW YORK CITY POLICE OFFICER JAMEL BROWN** (Shield # 10416) and **NEW YORK CITY POLICE OFFICER ROSETTA ROSENDARYPHILLIPS** (Shield # 10544), as herein and hereinafter set forth.

6. Upon information and belief, each and all of the acts of the defendants alleged herein were done by defendants, and each of them, not as individuals, but under the color and pretense of the statutes, ordinances, regulations, customs and usages of the State of New York, City of New York and the County of New York, and under the authority of the office as Police Officers for New York City.

7. Prior to the commencement of this action, on the 3rd day of December, 2012, a Notice of Claim was duly served herein on the defendants. That on the 14th day of February, 2013, the defendant, City of New York, conducted a 50-H hearing pursuant to the General Municipal Law. That more than thirty days have expired since the filing of a Notice of Claim and the defendant has failed and neglected to adjust the claim. This action is timely brought.

8. Upon information and belief, on or about the 18th day of March, 2012, the defendant, **THE CITY OF NEW YORK**, by their

employees, the defendants, NEW YORK CITY POLICE OFFICER JAMEL BROWN (Shield # 10416) and NEW YORK CITY POLICE OFFICER ROSETTA ROSENDARYPHILLIPS (Shield # 10544), falsely and maliciously accused the plaintiff, CALVIN DEBRECOURT, of crimes and violations.

9. Upon information and belief, said charges were brought against the plaintiff, CALVIN DEBRECOURT, with malice.

10. Upon information and belief, there was no probable cause for bringing said charges against the plaintiff and said charges were false and defendants intended to maliciously prosecute plaintiff.

11. Upon information and belief, as a result of the above malicious prosecution, plaintiff was forced to make several Court appearances to defend himself and suffered great fear, anxiety and emotional pain and suffering while he waited for seven months until the charges were eventually dismissed.

12. Upon information and belief, on October 10, 2012, all charges were dismissed against the plaintiff.

13. Upon information and belief, the above actions of the defendants, THE CITY OF NEW YORK, NEW YORK CITY POLICE OFFICER JAMEL BROWN (Shield # 10416) and POLICE OFFICER ROSETTA ROSENDARYPHILLIPS (Shield # 10544), constitute malicious

prosecution by the defendants, all against the plaintiff, **CALVIN DEBRECOURT**.

14. By reason of the foregoing **MALICIOUS PROSECUTION** the plaintiff, **CALVIN DEBRECOURT**, sustained personal, physical, mental and emotional injuries, loss of esteem, shock, humiliation, embarrassment, loss of liberty, loss of time, loss of enjoyment of life and is entitled to punitive damages against defendants, **NEW YORK CITY POLICE OFFICER JAMEL BROWN (Shield # 10416)** and **NEW YORK CITY POLICE OFFICER ROSETTA ROSENDARYPHILLIPS (Shield # 10544)**, and was otherwise damaged, all in a sum exceeding the jurisdictional limits of all lower Courts.

AS AND FOR A SECOND CAUSE OF ACTION

15. Plaintiff repeats, reiterates and realleges each and every allegation as set forth in paragraphs "1" through "14".

16. Upon information and belief, during all the times herein, the individual defendants acted under the color of law and statutes, ordinances, regulations, customs and usages of the State of New York, County of New York, City of New York.

17. Upon information and belief, the defendants engaged in illegal conduct herein mentioned to the injury of the plaintiff and deprived plaintiff of the rights, privileges and immunities secured to the plaintiff by the Constitution of the United States and

Federal Laws of the United States. The defendants in maliciously prosecuting plaintiff deprived the plaintiff of his constitutional rights and annuities secured by the United States Constitution including the right to be free of false and malicious accusations and unnecessary and unlawful detention. They did further deprive plaintiff of his civil rights by assaulting, battering, engaging in the use of excessive and unnecessary force and all other rights secured by the Constitution of the United States and 42 United States Code Section 1983. The defendants acted knowingly and purposely with the specific intention to deprive the plaintiff of his aforementioned rights.

18. Upon information and belief, as a direct and proximate result of the aforesaid, the plaintiff suffered physical and mental injuries and anguish, public scorn, humiliation, loss of esteem, loss of liberty, loss of time, loss of enjoyment of life, and the plaintiff was otherwise damaged, all in an amount exceeding the jurisdictional limits of all lower Courts.

19. Plaintiff hereby demands reasonable attorneys fees pursuant to 42 United States Code Section 1983 and other Civil Rights Statutes.

AS AND FOR A THIRD CAUSE OF ACTION

20. Plaintiff repeats, reiterates and realleges each and every allegation as set forth in paragraphs "1" through "19".

21. Upon information and belief, the actions and conduct described herein by **NEW YORK CITY POLICE OFFICER JAMEL BROWN (Shield # 10416)** and **NEW YORK CITY POLICE OFFICER ROSETTA ROSENDARYPHILLIPS (Shield # 10544)** and the New York City Police Department, constituted and demonstrated an official unconstitutional policy and custom of abuse and misconduct by the New York City Police Department, **NEW YORK CITY POLICE OFFICER JAMEL BROWN (Shield # 10416)** and **NEW YORK CITY POLICE OFFICER ROSETTA ROSENDARYPHILLIPS (Shield # 10544)** and/or constituted a continuing pattern of abuse and misconduct by the New York City Police Department, **NEW YORK CITY POLICE OFFICER JAMEL BROWN (Shield # 10416)** and **NEW YORK CITY POLICE OFFICER ROSETTA ROSENDARYPHILLIPS (Shield # 10544)** and said misconduct and official unconstitutional policy caused plaintiff to be subjected to and deprived his constitutional rights.

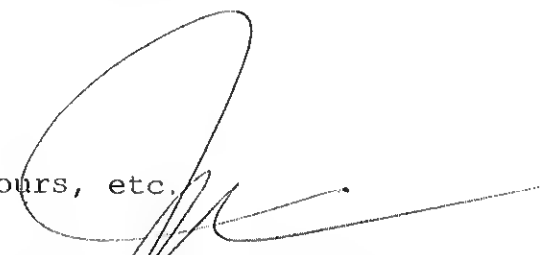
22. Upon information and belief, as a direct and proximate result of the aforesaid, the plaintiff suffered physical and mental injuries and anguish, public scorn, humiliation, loss of esteem, loss of liberty, loss of time, loss of enjoyment of life, and the plaintiff was otherwise damaged, all in an amount exceeding the jurisdictional limits of all lower Courts.

23. Plaintiff hereby demands reasonable attorneys fees pursuant to 42 United States Code Section 1983 and other Civil Rights Statutes.

WHEREFORE, plaintiff demands judgement on each cause of action against the defendants jointly and severally, in an amount exceeding the jurisdictional limits of all lower Court, plus punitive damages against all defendants, in an amount exceeding the jurisdictional limits of all lower Courts together with costs, interest and disbursements of this action, and together with such other and further relief as to this Court may seem just and proper.

Dated: Bronx, New York
March 27, 2013

Yours, etc.



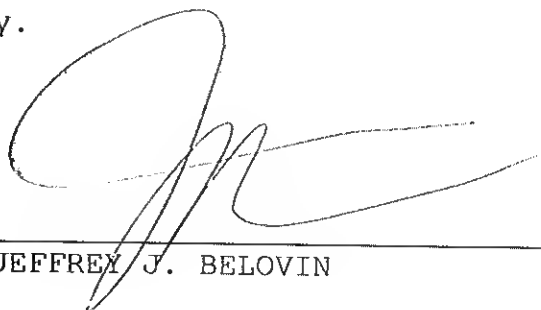
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State of New York)
 : ss.:
County of Bronx)

The undersigned, an attorney admitted to practice in the Courts of New York State, shows that the deponent is the attorney of record for the Plaintiff(s) in the within action; deponent has read the foregoing **VERIFIED COMPLAINT** and knows the contents thereof; the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters, deponent believes it to be true. This Verification is made by deponent and not by Plaintiff(s) because Plaintiff(s) are without the county wherein deponent maintains his offices. The grounds of deponent's belief as to all matters not stated upon deponent's knowledge are as follows: independent investigation, records, papers and documents in the file, conversations, communications and correspondence with the Plaintiff(s).

The undersigned affirms that the foregoing statements are true, under the penalties of perjury.

Dated: Bronx, New York
March 27, 2013



JEFFREY J. BELOVIN

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SUMMONS AND VERIFIED COMPLAINT

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